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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/113,094	07/10/1998	KIA SILVERBROOK	IR14US	7673

7590 07/08/2004

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EXAMINER

YE, LIN

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 07/08/2004

21

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/113,094

Applicant(s)

SILVERBROOK, KIA

Examiner

Lin Ye

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The substitute specification and new abstract filed on 4/15/04 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-4 filed on 4/15/04 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 1 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Referring to the new amended claim 1, the applicant states a **same** "first user" utilizing image sensor device to sense both first image and second image; and "wherein said second image is **substantially identical** to said first image. However, the specification does not disclose those limitations cited in the claim. It should be noted that it is the only place (Summary of the Invention section, in page 2) to

described color correction methods to the second image based on the determined color characteristics of the first sensed image.

Appropriate correction is required.

For examination purpose, this claim will be interpreted as it is best understood.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda U.S. Patent 5,801,773 in view of McIntyre et al. U.S. Patent 5,894,326.

Referring to claim 1, the Ikeda reference discloses in Figures 17-18, a method of color correcting (adjusting luminance level for all color signals R, G and B) a sensed image before outputting by a digital camera system includes an image sensor device (203, See Col. 17, lines 2-5) for sensing an image, a digital processor (block b as shown in Figure 17 including color process 206, a combining processor 207 and a additional color processor 209) for processing sensed image, and a output unit (C as shown in Figure 4) for outputting sensed image; wherein the method of color correcting said sensed image before outputting comprises: a first user utilizing said image sensor device to sense a first image of a first scene (the first image represents a standard image with proper exposure, see Col. 17, lines 48-49); processing said first

image to determine colour characteristics (luminance signal Y_n for standard color signals R_n , G_n and B_n) of said first image (See, Col. 17, lines 56-58); Said same first user utilizing said image sensor device to sense a second image (the second image represents a non-standard image obtained with excessive exposure, See Col. 17, lines 50-51) of said same first scene, in rapid succession to said first image, wherein said second image is substantially identical to said first image as shown in Figure 2A-2B; applying colour correction to said second image (combine the first image luminance signal Y_n and the second image luminance signal Y_c ; and the luminance levels of color image signals are adjusted to the same level, see Col. 17, lines 64-67 and Col. 18, lines 1-2) based on the determined colour characteristics (luminance signal Y_n for standard color signals R_n , G_n and B_n) of said first image as shown in Figure 19 (See Col. 18, lines 11-23). However, the Ikeda reference does not explicitly show the digital camera system is hand held camera system and the output unit is a printer.

The McIntyre reference disclose in Figures 1-2, an hand held electronic camera including an optical printer (30) being adapted to be optically coupled to the display when in its print position for producing a hard copy output of the subject represented by the display. The McIntyre reference is an evidence that one of ordinary skill in the art at the time to see more advantages for a hand held camera including the printer, so that by making hard copies directly optically from the display which can be moveable from a print position in the camera body from a user viewable position and whole camera system is more portable and compact. For this reason, it would have been obvious to see the digital camera system is hand held camera system including the printer disclosed by Ikeda.

Referring to claim 3, the Ikeda reference discloses color processor (205) process examines (generates) the intensity (luminance signal Y_n) characteristics of the first image (See Col 17, lines 55-58).

Referring to claim 4, the Ikeda reference discloses wherein said processing step determines a maximum (white-corrupted portion of image) and minimum intensity (dark-corrupted portion of image) of first image and utilizes intensities to rescale the intensities of next image (non-corrupted portion of a next image) (See Col 18, lines 2-3).

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda U.S. Patent 5,801,773 in view of McIntyre et al. U.S. Patent 5,894,326 and Miyagawa et al. U.S. Patent 6,281,533.

Referring to claim 2, the Ikeda and McIntyre references disclose all subject matter as discussed in respected claim 1, except the references do not explicitly state that exact time for the image sensor to sense a second image from first image.

The Miyagawa et al. reference discloses in Col. 19, lines 61-65, clearly states a high performance compact still digital camera system (Figure 25) that can take a number of pictures successively **within a second**. This means the second image is sensed within 1 second of first image. In col. 19, lines 56-58 sets forth the motivation to keep the image readout rate short within 1 second in the digital camera art for reducing power consumption level and a low voltage level and produce high quality pictures with a good S/N ratio. For that reason, it would have been obvious to see Ikeda's camera system has this kind of ability.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lin Ye** whose telephone number is **(703) 305-3250**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC. 20231

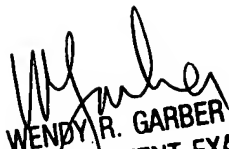
Or faxed to:

(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Lin Ye
June 23, 2004


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600